

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

ROXANNE MCKEN,

AFFIDAVIT IN  
OPPOSITION  
CHAPTER 13  
CASE NO. 09-22489 (RDD)

DEBTOR.

-----X

STATE OF NEW YORK                    )  
  )  
COUNTY OF WESTCHESTER            )ss.:

I, Jan Hudgins Riley, being duly sworn, deposes and  
says:

I am of counsel to Cabanillas & Associates, P.C.,  
attorneys for the debtor, ROXANNE MCKEN.

2. As such, I am fully familiar with the facts and  
circumstances of this action.

3. I submit this affidavit in opposition to the motion  
of the Trustee, dated January 7, 2010, seeking the  
dismissal of the within Petition of debtor.

4. The debtor is no longer in arrears on her payments  
to the Trustee due pursuant to 11 U.S.C. sec. 1307(c)(1),  
having, upon information and belief, remitted to the  
Trustee the sum of \$1,844.25 on or about January 8, 2010.

5. Affiant avers that the debtor's plan is feasible  
and that she is currently working (under this Court's Loss  
Mitigation Order) with her mortgagee, Chase Home Finance

LLC, to pursue the possibilities of loss mitigation herein, anticipating confirmation of her Chapter 13 plan thereafter.

6. Thus, affiant respectfully asks that the Trustee's motion to dismiss the Petition of the within debtor (dated January 7, 2010), be denied.

Sworn to before me this  
12<sup>th</sup> day of January, 2010

/s/ Sawsan Zaky  
Notary Public, NYS  
Qualified in Westchester Cty.  
No.  
Comm. Exp.

/s/ Jan Hudgins Riley  
Of counsel  
Cabanillas & Associates PC  
245 Main Street, Ste. 120  
White Plains, NY 10601  
914-385-0292

TO: Jeffrey L. Sapir  
Chapter 13 Trustee  
399 Knollwood Road  
White Plains, NY 10603

U.S. Trustee  
33 Whitehall Street  
21<sup>st</sup> floor  
New York, NY 10004

Chase Home Finance, LLC  
c/o Rosicki, Rosicki & Assoc. PC  
51 East Bethpage Road  
Plainview, NY 11801

JP Morgan Chase Bank  
c/o Steven J. Baum PC  
220 Northpointe Pkwy. Suite G  
Amherst, NY 14228

Chase Home Finance, LLC  
3415 Vision Drive OH4-7162  
Columbus, OH 43219

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

ROXANNE MCKEN,

DEBTOR.

-----X

AFFIDAVIT OF  
MAILING  
CHAPTER 13  
CASE NO. 09-22489 (RDD)

STATE OF NEW YORK                    )  
  )  
COUNTY OF WESTCHESTER            )ss.:

Jan Hudgins Riley, Esq., being duly sworn, deposes and  
says:

I am not a party to the action herein, am over the age  
of 18 years old and reside in the County of Sullivan, State  
of New York.

On January 12, 2010, I served a true copy of the  
within document, to the herein listed parties at the  
address(es) designated for that purpose, by mailing same in  
a properly sealed envelope with postage prepaid thereon, in  
an official depository of the United States Postal Service  
within the State of New York to the following:

Sworn to before me this  
12<sup>th</sup> day of January, 2010

/s/ Sawsan Zaky  
Notary Public, NYS  
Qualified in Westchester Cty.  
No.  
Comm. Exp.

/s/ Jan Hudgins Riley  
Of counsel  
Cabanillas & Associates PC  
245 Main Street, Ste. 120  
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